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(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCIL MEMBER LEE MORRIS

TO CREATE A NEW CODE SECTION SO AS TO PROVIDE FOR THE REGULATION OF VEHICLE IMMOBILIZATION SERVICES; SO AS TO DEFINE CERTAIN TERMS; SO AS TO REQUIRE COMPLIANCE WITH SAID REGULATIONS; SO AS TO PROVIDE FOR LICENSING AND REGISTRATION OF SAID SERVICES; SO AS TO PROVIDE FOR THE COLLECTION OF FEES FOR SAID REGULATION; SO AS TO PROVIDE THE REVOCATION AND APPEALS THEREFROM; SO AS TO PROVIDE FOR THE COLLECTION OF FINGERPRINTS AND THE ISSUANCE OF PERMITS; SO AS TO PROVIDE FOR FEES THAT MAY BE CHARGED FOR SAID SERVICES; SO AS TO PROVIDE FOR IDENTIFYING LETTERS WHICH SHALL APPEAR ON VEHICLES ENGAGING IN SAID SERVICES; SO AS TO PROVIDE FOR A MANNER TO CONDUCT SERVICE CALLS; TO PREVENT CITY EMPLOYEES FROM SOLICITING BUSINESS FOR SAID SERVICES; SO AS TO PREVENT BUSINESSES ENGAGED IN SAID SERVICES FROM SOLICITING BUSINESS ON PUBLIC STREETS; TO PROVIDE FOR NOTIFICATION UPON THE IMMOBILIZATION OF VEHICLES AT REQUEST OF PERSONS OTHER THAN THE POLICE; TO PREVENT THE IMMOBILIZATION OF A VEHICLE WHERE AN OPERATOR RETURNS TO SAID VEHICLE PRIOR TO A VEHICLE IMMOBILIZATION DEVICE BEING PUT IN PLACE; AND

FOR OTHER PURPOSES:

- ☐ **CONSENT REFER**
☐ **REGULAR REPORT REFER**
☐ **ADVERTISE & REFER**
☐ **1st ADOPT 2nd READ & REFER**
☐ **PERSONAL PAPER REFER**

Date Referred

3/2/99

Referred To:

Public Safety & Legal Admin

Date Referred

Referred To:

FILED BY AUG 07 2000

CITY COUNCIL

Date Referred

Referred To:

w/o objection

First Reading

Committee

Date

Chair

Referred to

P.S. Committee

8/10/99

C. T. Martin

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

5/31/99

7/11/99

9/23/99

10/26/99

11/9/99

Refer To

11/29/99

Committee

P.S. + L.A.

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

12/14/99

Members

1/11/00

2/1/00

2/15/00

2/29/00

3/14/00

Refer To

Committee

P.S. + L.A.

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

FILE

Members

1/11/00

2/1/00

2/15/00

2/29/00

3/14/00

Refer To

FINAL COUNCIL ACTION

☒ 2nd☐ 1st & 2nd☐ 3rd

Readings

☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED

AUG 7 2000

ATLANTA CITY COUNCIL PRESIDENT

Robert A. Pitts

CERTIFIED

AUG 07 2000

Ruth Daughlin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

AN ORDINANCE

BY COUNCILMEMBER LEE MORRIS



TO CREATE A NEW CODE SECTION SO AS TO PROVIDE FOR THE REGULATION OF VEHICLE IMMOBILIZATION SERVICES; SO AS TO DEFINE CERTAIN TERMS; SO AS TO REQUIRE COMPLIANCE WITH SAID REGULATIONS; SO AS TO PROVIDE FOR LICENSING AND REGISTRATION OF SAID SERVICES; SO AS TO PROVIDE FOR THE COLLECTION OF FEES FOR SAID REGULATION; SO AS TO PROVIDE THE REVOCATION AND APPEALS THEREFROM; SO AS TO PROVIDE FOR THE COLLECTION OF FINGERPRINTS AND THE ISSUANCE OF PERMITS; SO AS TO PROVIDE FOR FEES THAT MAY BE CHARGED FOR SAID SERVICES; SO AS TO PROVIDE FOR IDENTIFYING LETTERS WHICH SHALL APPEAR ON VEHICLES ENGAGING IN SAID SERVICES; SO AS TO PROVIDE FOR A MANNER TO CONDUCT SERVICE CALLS; TO PREVENT CITY EMPLOYEES FROM SOLICITING BUSINESS FOR SAID SERVICES; SO AS TO PREVENT BUSINESSES ENGAGED IN SAID SERVICES FROM SOLICITING BUSINESS ON PUBLIC STREETS; TO PROVIDE FOR NOTIFICATION UPON THE IMMOBILIZATION OF VEHICLES AT REQUEST OF PERSONS OTHER THAN THE POLICE; TO PREVENT THE IMMOBILIZATION OF A VEHICLE WHERE AN OPERATOR RETURNS TO SAID VEHICLE PRIOR TO A VEHICLE IMMOBILIZATION DEVICE BEING PUT IN PLACE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

That new section be created to regulate the operation of "vehicle immobilization services."

Section 1. That a new Code Section entitled "Definitions" be created to read as follows:

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;

- (1) *Operator* shall mean any person operating devices for immobilizing vehicles for a vehicle immobilization service.
- (2) *Vehicle immobilization service* shall mean a person offering services anywhere in the city whereby vehicles are immobilized by installing on or attaching to such vehicle, devices, boots, or other instruments that are designed to, or have the effect of, restricting the normal movement of such vehicles or by any other means whatsoever which are designed for or adapted to that purpose.

Section 2. That a new Code Section entitled "Compliance required" be created to read as follows:

It shall be unlawful for any person, either as principal, agent or employee, to use or operate within the city any vehicle immobilization service without complying with this article.

Section 3. That a new Section entitled "Licensing and registration" be created to read as follows:

- (a) It shall be unlawful for any person, either as principal, agent or employee, to use or operate, on any commercial parking lot, any vehicle immobilization service or device without having obtained a license granted by the mayor as provided in this section.
- (b) It shall be unlawful for any person to be licensed hereunder if that person, either as owner, principal, agent or employee, is engaged in the business of valet parking.
- (c) Every person desiring to obtain a license required in this section shall make written application to the chief financial officer on forms to be prepared and approved by the Licenses and Permits Unit of the City of Atlanta Police Department. The application shall state the name and address of the applicant; place where the proposed business is to be located; nature and character of the business to be carried on; if a partnership, the names of the partner; if a corporation, the names of the officers; the charges to be imposed for various services; amounts and types of insurance held; such other information as may be required by the police or license review board; and shall be sworn by the applicant or agent thereof. All applicants shall furnish all data, information and records requested of them by the license review board or the department of police, and failure to furnish this data, automatically results in the dismissal, with prejudice, of the application. Applicants, by filing an application, agree to produce for oral interrogation any person requested by the license review board, the department of police or facts relative to the license. The failure to produce a person within 30 days after being requested to do so should result in automatic dismissal of the application.
- (d) It shall be unlawful for any person, either as principal, agent or employee, to use or to operate within the city any vehicle assisting in the operation of a vehicle immobilization service without first having filed a registration of all these vehicles with the department of police upon forms to be furnished by the department. The information for registration shall contain the following:

- (1) The make, model and manufacturer's serial number of the vehicle;
 - (2) Date the vehicle was put into service to assist in the operation of a vehicle immobilization service;
 - (3) The driver's license number of the owner, if an operator, and of all other operators of the vehicle;
 - (4) The name of the insurance company with which the owner and all operators have liability insurance coverage with respect to the operation of the vehicle, as required by law;
 - (5) The permit number of each person who shall drive or operate the vehicle on behalf of the owner; and
 - (6) Such other information as may be required by the mayor or the mayor's designee.
- (e) It shall be unlawful for any person hired by the owner of private property within the city to place vehicle immobilization devices, boots, or other instruments that are designed to, or have the effect of, restricting the normal movement of such vehicles or by any other means whatsoever which are designed for or adapted to that purpose, on any vehicles parked or present on any commercial parking lot to use or to operate any vehicle immobilization service without first having obtained approval of the department of police for the signs required to be posted on the property as provided in §16-28.014.
- (1) Signs shall be located at each designated entrance to a parking lot or parking area where parking prohibitions are to be effective. Where there is no designated entrance, such signs shall be erected so as to be clearly visible from each and every parking space.
 - (2) Such signs shall be 7.5 square feet in area (2.5 feet by three feet).
 - (3) Such signs located as a designated entrance to a parking lot shall be at least four feet above the site grade. Where there is no designated entrance, such signs shall be six feet above grade if vehicles are to be parked between the sign and the maneuvering area for the parking space.
 - (4) Such signs shall state in letters at least three inches high that "unauthorized vehicles may be immobilized at owner's expense..." Such signs shall include the following information in letters at least 2 1/2 inches high:

- a. Such vehicles may be immobilized at a maximum cost of \$_____;
- b. If the vehicle remains immobilized for 48 hours, it may be removed at a maximum cost of \$75.00 by an authorized wrecker service and stored at a maximum cost of \$5.00 per day at location which can be identified by calling the following telephone number_____;
- c. The 24-hour a day dispatch number of the vehicle immobilization service for purposes of having immobilized vehicles removed is _____;
- d. Checks and credit cards shall be accepted in lieu of cash and for no additional fee;
- e. No additional fees may be charged if the vehicle is immobilized for less than 24 hours;
- f. Shall state that these conditions are required by city ordinances; and
- g. Shall state that complaints may be made to the police at (404) 818-6620.

No abbreviations shall be used. The lettering on such signs shall be black on a white, reflective grade background, and shall be illuminated if out of headlight range.

Section 4. That a new Section entitled "Fees" be created to read as follows:

The annual application fee shall be \$120.00 to operate a vehicle immobilization service and \$50.00 for each operator. Said fees shall entitle the holder of a permit to 12 months of uninterrupted operation of a vehicle immobilization service or as an operator therefore, subject to suspension or revocation of such permit. The annual registration fee shall be \$50.00 for the operation of a vehicle immobilization service. All registrations shall expire on December 31st of each year and shall be renewed between December 1st and December 31st of each year.

Section 5. That a new Section entitled "Revocation of license; appeals from order of revocation" be created to read as follows:

- (a) The police chief or the chief's designee may revoke the license to operate a vehicle immobilization service of any person on any of the following grounds:
- (1) If the license to operate was procured by fraudulent conduct or false statement of a material fact;
 - (2) If the licensee shall pay in the form of a gratuity any person who does not own or operate a commercial parking lot for information as to illegally parked vehicles;
 - (3) If the licensee makes any payment to the owner or one in possession of ordinarily charged by the owner or person in possession of the parking lot for parking thereon, such payment shall be considered a kickback;
 - (4) If the licensee charges fees in excess of those set out in the "Fees" section of this ordinance;
 - (5) If the licensee immobilizes any vehicle located on any portion of a public street within the city, unless property authorized in writing by the Chief of Police of the City of Atlanta;
 - (6) If the licensee fails to maintain a 24 hour a day dispatch telephone number; and
 - (7) If the licensee fails to maintain a local office within the city limits of the City;
 - (8) If the licensee immobilizes vehicles at any off-street parking facility, vacant lot, or other private property which is not properly permitted as a commercial parking lot;
 - (9) If the licensee fails to release vehicles from immobilization within one hour after having been contacted by the owner, driver or person in charge of a vehicle which has been immobilized, and after receipt of payment;
 - (10) If a device or other means used by a vehicle immobilization service to restrict the normal movement of vehicle causes any damage to such vehicle and the vehicle immobilization service fails to pay the cost of repairs;
 - (11) If the licensee immobilizes any vehicle parked or left temporarily because of a wreck or other emergency;

- (12) If the licensee violates any section of this Article.
- (b) No license issued under this division shall be removed until and after due notice and a hearing shall have been held before the license review board to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the rounds of the complaints against the holder of such license and shall designate the time and place where such hearing will be held.
 - (c) The notice shall be served upon the license holder by delivering the notice personally or by leaving such notice at the place of business or residence of the license holder in the custody of a person of suitable age and discretion. If the license holder cannot be found and the service of notice cannot be otherwise made in the manner provided in this section, a copy of such notice shall be mailed registered postage, fully prepaid, addressed to the license holder at the license holder's place of business or residence at least ten days prior to the date of such hearing.
 - (d) Any vehicle immobilization service or operator thereof having the license removed shall be disqualified from reapplying for such a license for 12 months immediately following the revocation. The violation of any one provision of this Article by any owner or person, either as principal, agent or employee of a vehicle immobilization service shall result in the automatic revocation of the vehicle immobilization service's license.

Section 6. That a new Section entitled "Fingerprints, permits" be created to read as follows:

- (a) It shall be unlawful for any person to be an operator within the city of vehicle immobilization device or service without first having been fingerprinted by the department of police and having been issued a permit by the department of police indicating that this person is eligible to be an operator of a vehicle immobilization service or device.
- (b) The department of police shall conduct a complete search relative to any police record of the person fingerprinted. If there is a record of a violation of this article, no permit will be issued and the person shall be ineligible to be an operator of any vehicle immobilization service or device within the city; however any person denied a permit under this section shall have the right of appeal to the license review board.

- (c) Any permit issued under this article shall expire as set forth in this subsection unless earlier canceled or revoked by the mayor or the mayor's designee. The mayor or the mayor's designee may prescribe regulations for certifying the eligibility of this person to continue to operate a vehicle immobilization service or device without the necessity of this person being again fingerprinted. The annual permit fee shall be \$15.00. This permit shall expire on December 31 of the calendar year for which it was effective and shall be renewed between December 1 and December 31 of each calendar year.
- (d) The owner of a vehicle immobilization service shall keep all permits issued under this section in a place so that they may be inspected by any member of the department of police at any time. If the employment of any person possessing this permit is terminated; the permit shall be returned to the person by the owner of the vehicle immobilization service.
- (e) No permit shall be issued to any person who has been convicted in this or any other country within three years immediately prior to the application for this permit of soliciting prostitution, illegally dealing narcotics, sex offenses or any other crime involving moral turpitude. Further, to be eligible for this permit, the person applying must possess a current driver's license as provided by the laws of the state. Any person denied a permit under this section or any person whose permit may be revoked under this section shall have the right to appeal this denial or revocation to the license review board.
- (f) Any basis set forth in subsection (e) of this section for the denial of a permit shall, if it occurs subsequent to issuance of permit, constitute the basis for a revocation of the permit.

Section 7. That a new Section entitled "Fees charged" be created to read as follows:

- (a) Any vehicle immobilization service engaged in the business of trespass immobilizing of vehicles shall not charge the owner of any immobilized vehicle or personal property in excess of \$_____ for the removal of the vehicle immobilization device. However no additional fees may be charged for vehicles which are immobilized for less than 24 hours. The \$_____ fee shall be all inclusive; no additional fees may be charged for using other equipment. In no event shall any fees charged exceed the fees which would have been allowed under city ordinances had the vehicle been towed rather than immobilized. _____ of each fee charged shall be remitted by the immobilization service to the City on a monthly basis and be deposited by the City to the citywide sidewalk account number _____.

Section 8. That a new Section entitled "Lettering on vehicles" be created to read as follows:

It shall be unlawful for any person, either as principal, agent or employee, to operate within the city any vehicle to assist in the operation of a vehicle immobilization service unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the vehicle immobilization service to operate within the city, the address from which the vehicle immobilization service is operating and the telephone number. This lettering shall be in a contrasting color to the color of the vehicle and shall be at least 2 1/2 inches in height.

Section 9. That a new Section entitled "Service calls" be created to read as follows:

It shall be unlawful for the owner of any vehicle immobilization service, or the owner's agent, representative or employee to go to any place where an accident has occurred unless called by the owner, owner's agent, representative or employee of a commercial parking lot, or where the owner of a vehicle immobilization service has a contract to immobilize illegally parked cars at specific commercial parking lot.

Section 10. That a new Section entitled "City employees soliciting business" be created to read as follows:

It shall be unlawful for any city employee to solicit business for any vehicle immobilization service owner or operator.

Section 11. That a new Section entitled "Solicitation of vehicle immobilization work" be created to read as follows:

It shall be unlawful to drive along any street within the city and solicit vehicle immobilization work on commercial lots. Solicitation work by the operator or the occupant of vehicle used to carry on the business of a vehicle immobilization service is prohibited. An operator shall not proceed to a specific commercial lot without having been notified to do so as provided in Section 9 this Ordinance.

Section 12. That a new Section entitled "Notification upon immobilization of vehicle at request of other than police officer" be created to read as follows:

The operator of any vehicle immobilization service immobilizing a vehicle at the request of any person other than a police officer on duty of the department of police shall report to the department of police the fact that the vehicle was immobilized and its present storage place, together with a description of the vehicle and the tag number. The report shall be made by the operator by telephonic communication with one hour of the immobilization.

Section 13. That a new Section entitled “Vehicle not immobilized upon operator of vehicle returning” be created to read as follows:

The operator of any vehicle immobilization service summoned to immobilize any vehicle shall not immobilize said vehicle and shall not charge a fee if the operator of the vehicle returns prior to the vehicle immobilization service vehicle having left the location to which summoned and moved the vehicle immediately and prior to the vehicle immobilization service having left the location to which summoned.

Section 14. That all ordinances and parts of ordinances in direct conflict herewith are hereby repealed.